



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health  
27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

**Board of Health Meeting Agenda  
Wednesday, May 23, 2018  
Ground Floor Conference Room  
Arlington Senior Center  
5:30pm**

- I. Accept April 11, 2018 Meeting Minutes
  - II. Hearing: Keeping of Hens - 73 Thorndike Street
  - III. Hearing: Housing Code Violations - 18 Belknap Street # 3
  - IV. Hearing: Dumpster Regulations
  - V. Discussion: Draft Marijuana Regulations
  - VI. Environmental Updates
  - VII. Restaurant Updates
  - VIII. Public Health Nurse Updates
  - IX. Public Comment
- Adjourn



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**D R A F T**  
**Board of Health Meeting Minutes**  
**Wednesday, April 11, 2018**  
**BOH Conference Room – Mural Room**  
**Arlington Senior Center**  
**5:30pm**

Board Members in Attendance: Dr. Marie Walsh Condon, Mr. Kenneth Kohlberg, Dr. Kevin Fallon

Staff in Attendance: Natasha Waden, Director of Public Health; Kylee Sullivan, Health Compliance Officer; Padraig Martin, Lead Health Compliance Officer; Jessica Kerr, Public Health Nurse

Others in Attendance: James Quinn, Ismini Vocas (Ink Jam Studio); Joanna Cardarelli, Paul Colussi, Doug Kahn, Ashot Papoyan (TetraGenetics); Beth Graham (Safety Partners); Talia Hahn

Recording Secretary: Laura Munsey, Health & Human Services Administrative Assistant

**Meeting called to order by Dr. Marie Walsh Condon at 5:33 pm.**

Dr. Walsh Condon informed members of the Board and Attendees that she would grant a request to take Public Health Nurse Updates (agenda item XII) and Hearing: Ink Jam Studio (agenda item III) out of order, and place prior to the TetraGenetics Hearing.

**January 31, 2018 Meeting Minutes**

A motion was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Kevin Fallon to accept the January 31, 2018 meeting minutes as submitted.

Vote: 3-0 in favor of the motion (Unanimous)

**Public Health Nurse Updates**

Jessica Kerr, Public Health Nurse, reported she is following a couple cases of Pertussis in town, and has been working with the Schools regarding guidelines for notifications, etc. She further reported last week was Public Health Week and several programs were offered including flu, and health equity. Ms. Kerr reported the Health Department will be hosting an MRC Recruitment Program in May.

### **Hearing: Ink Jam- Park Ave (Variance Request for Apprenticeship)**

Inspector Kylee Sullivan reported Ink Jam Studio has applied for a variance for a Body Art Apprentice permit for Ms. Ismini Vocas. She reported all documentation to support this request has been submitted to the Health Department, with the exception of a transcript from her school indicating the successful completion of an anatomy and physiology course from an accredited program. Inspector Sullivan reported that an acceptable course has been identified in Quincy, and Ms. Vocas will have until the end of the 2018 Calendar Year to provide documentation to the Board. Both Mr. James Quinn of Ink Jam Studio and Ms. Ismini Vocas were available to answer any questions of the Board.

A motion was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Kevin Fallon to grant a variance to Ink Jam Studio on behalf of Ms. Ismini Vocas to be permitted as a Body Art Apprentice, conditional upon proof to the Health Department of completed coursework prior to December 31, 2018.

Vote: 3-0 in favor of the motion (Unanimous)

### **Hearing: TetraGenetics- 91 Mystic Street (Request to operate at BSL-2)**

Inspector Padraig Martin informed the Board that TetraGenetics, Inc. is a permitted biotechnology company that has been operating in Arlington since 2015. They currently operate as a Biosafety Level 1 (BSL-1) laboratory, and are requesting to add a Biosafety Level 2 (BSL-2) area to their existing facility.

Inspector Martin reported he toured the facility earlier in the week, and found the laboratory design, space, security, safety manual and employee training were adequate. He reported the only area of concern was the proposed use of a hand-sanitizer dispenser in lieu of a handwashing sink, which is a requirement of the BMBL guidelines.

Doug Kahn, CEO of TetraGenetics addressed the Board and introduced his staff, and Advisor from Safety Partners, Inc. He gave a detailed overview of the company, and reported TetraGenetics is a drug discovery company, whose efforts focus on human proteins (ion channels) that are implicated in many human diseases including Autoimmune Disease, Cancer, and Pain. He reported they are working on a pre-clinical drug for the cure of Type 1 Diabetes.

Dr. Paul Colussi, Vice President of Research, presented a power-point presentation related to TetraGenetics research activities, and recombinant technology. He reviewed the BSL-1 process, and outlined their reason and desire to establish a BSL-2 room within their laboratory. He reported establishing a BSL-2 area within their lab would expedite its drug discovery process by establishing more capabilities in-house, rather than outsourcing. A plan of the proposed BSL-2 lab space was provided to the Board for their review.

Ms. Beth Graham of Safety Partners, Inc. addressed the Board and provided information regarding the differences between operating a BSL-1 and BSL-2 area and TetraGenetics Lab Design Considerations. Ms. Graham described the rDNA Permit Considerations, as well as the general safety considerations, and the plan to implement changes, and train/educate staff.

A motion was made by Dr. Kevin Fallon which was seconded by Mr. Kenneth Kohlberg to grant TetraGenetics, Inc. a permit to operate a BSL-2 Laboratory at 91 Mystic Street , Arlington, MA, conditional upon full compliance to meet the NIH and BMBL Guidelines including the installation of handwashing sink within the BSL-2 area.

Vote: 3-0 in favor of the motion (Unanimous)

#### **Hearing: Regulations Restricting the Sale of Tobacco and Nicotine Delivery Products**

Inspector Kylee Sullivan presented the Board with the updated Regulations Restricting the Sale of Tobacco and Nicotine Delivery Products to the Board.

A Motion was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Kevin Fallon, to accept the April 11, 2018 amendment to the Regulations Restricting the Sale of Tobacco and Nicotine Delivery Products.

Board Members: Dr. Marie Walsh Condon, Mr. Kenneth Kohlberg, and Dr. Kevin Fallon signed the amended regulations (4-11-18).

#### **Discussion: Rock Removal Regulations**

Director Waden addressed the Board and requested support from the Board of Health to develop Rock Removal Regulations. This request is the result of ongoing complaints precipitated by construction projects over the last few years. Residents have expressed concern about the generation of dust, debris, flying particles, and noise levels at construction sites that require rock removal. Director Waden informed the Board that Town Manager Adam Chapdelaine is in support of creating these regulations. Director Waden believes such regulations would be beneficial and the Health Department could work with contractors to improve best practices before complaints arise.

The Board unanimously supported the request to develop Rock Removal Regulations in Arlington.

#### **Discussion: Draft Dumpster Regulations**

Inspector Sullivan presented the Board with an updated draft for Arlington's Wastehauler and Dumpster Regulations and for the Removal and Transportation of Solid Waste or Recyclables. These draft regulations were developed after research and review of surrounding municipalities' regulations including: Belmont, Lexington, Melford, Cambridge, and Somerville. Dr. Marie Walsh Condon made 2 suggested word changes in Section 8, and Director Waden informed that Board that the draft will be reviewed by Ms. Charlotte Milan, DPW Recycling Coordinator, prior to a Public Hearing.

#### **Discussion: Draft Regulation to Ensure the Sanitary and Safe Operation of Marijuana Establishments and the Sale of Marijuana**

Director Waden provided a brief update to the Board and informed them the Cannabis Control Commission has promulgated regulations in March for adult use of marijuana. She informed the Board that the Health Department has received inquiries from parties interested in opening a marijuana establishment in Town.

Currently the Town has a moratorium in place which will expire on June 30<sup>th</sup> 2018, and the Board must consider whether or not to pursue regulations for adult use marijuana establishments. Director Waden informed the Board that the Attorney General's Office may allow moratoriums to extend through December 31, 2018, but not beyond this year, and an extension on the moratorium would need to be voted through Town Meeting.

Director Waden reported the Arlington Youth Health and Safety Coalition expressed their support of the Board of Health developing regulations, but Representatives were unavailable to attend tonight's meeting. Director Waden stated there are conflicting recommendations regarding Buffer Zones, MAHP, Cannabis Control Commission, etc. that are being worked out regarding medical and adult use marijuana establishments.

The Board was in unanimous agreement and expressed support to draft regulations to ensure the sanitary and safe operation of marijuana establishments and the sale of marijuana within Arlington.

#### **Discussion: Town Meeting Warrant Articles**

Director Waden informed the Board that the Health Department has reviewed Article 15 of the 2018 Town Meeting Warrant which looks to amend Title V, Article 12 of the Town Bylaws as it relates to noise abatement and provided comments to the Board of Selectmen in a memorandum dated February 26, 2017. She read aloud the following Warrant Article to the Board:

#### **ARTICLE 15 BYLAW AMENDMENT/NOISE ABATEMENT**

To see if the Town will vote to amend Title V, Article 12 of the Town Bylaws to regulate the permissible hours and volume of noise generated by parties and events on residential private property, by reducing the permissible hours of operation and/or decibel levels of loudspeakers and sound amplifying devices used for entertainment, requiring neighbor notifications for parties on residential private property in which noise amplification will be used, and providing for exemptions for certain well known Town-wide events and/or celebrations periods such as "Porch Fest"; or take any action related thereto.

(Inserted at the request of Meredith DiMola and ten registered voters)

The Board was in agreement with Director Waden that this Warrant Article, as it relates to the bylaw, is not a Public Health issue that should fall under the jurisdiction of the Health Department.

#### **Arlington Youth Health and Safety Coalition Updates**

No updates available, and agenda item will be Tabled to the May 23, 2018 meeting.

#### **Environmental Updates**

- Plastic Bag Ban – Inspector Martin informed the Board that the implementation of the plastic bag ban for 10,000 sq ft establishments went well, and all retailers were in compliance upon inspection. Beginning July 1, 2018 all retail establishments in town will need to be in compliance. He reported that at an information session in mid-March, retailers shared concerns, and now the Health Department is working with them to find solutions.
- Housing – Director Waden informed the Board that she spent the morning in Boston Housing Court regarding an on-going hoarding case. She stated she was impressed with the process, the Magistrate, and expressed her confidence in being able to have access to the Housing Court to

resolve housing issues. Inspector Sullivan informed the Board she is working with members of the Attorney General's Abandoned Housing Initiative to put into receivership abandoned properties in Town.

- Nuisance – Director Waden informed the Board that rodent complaints are being received. She was happy to report that Inspector Sullivan attended a Kilsythe Street Neighborhood meeting and was impressed with how neighbors worked together with the Department to make the neighborhood less attractive to rodents, by removing food, water, and harborage sources.

#### **Restaurant Updates**

- Retail Food Standards 1 and 3 have been sent to the Auditors for review. Next month the Department will roll out the plan for education and outreach to Establishments in Town.
- No Restaurant Closures to Report
- 2 new establishments have opened at the Local Fare
- Chilly Cow has changed its name to Abilyn's Frozen Bakery

#### **Public Comment**

None

Meeting was adjourned at 7:20 pm.



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**MEMO**

To: Board of Health Members  
From: Kylee Sullivan, Health Compliance Officer  
Date: May 15, 2018  
RE: Keeping of Hens at 73 Thorndike Street

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Maria Peralta submitted a Keeping of Hens Site Plan Review Application for 73 Thorndike Street on April 5, 2018. The dwelling is a two-family structure owned by the applicant and Patrick Peralta. This property is located on a 5000 Sq Ft lot in East Arlington. The property has six abutters. The abutters were notified by the applicant of her intent to keep hens via certified mail. The letter notified the abutters of a hearing to be held on May 23<sup>th</sup>, 2018 at 5:30pm. To date, no neighbors have raised concerns regarding the close proximity of the coop to their property. The coop's proposed location does not violate the six feet minimum distance from all property lines as stated in the Bylaws.

The attached site plan provided by the applicant illustrates that all distance requirements set forth in the Town Bylaw are satisfied. The application included very thoughtful responses and all necessary components. A site walk was conducted on May 9, 2018 to verify the proposed location of the coop/pen and the structure. If the application is approved, no final permit will be granted until an inspection of the finished coop confirms the build-out matches the design specifications.

**Proposed Location of hen coop at 73 Thorndike Street**





**DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF THE BOARD OF HEALTH**

**Town of Arlington**

27 Maple Street Arlington, Massachusetts 02476

**KEEPING OF HENS SITE PLAN  
REVIEW APPLICATION**

*These guidelines are not final requirements. The Board of Health may require additional information based on the type and location of operation.*

Plan Review Fee: \$150.00 (checks made payable to: Town of Arlington)

For office use only: Date/time application received: 4/5/2018 Received by: KS  
(BOH Staff)

**APPLICANT NAME:** Maria Peralta

**APPLICANT ADDRESS:** 73 Thorndike Street, 02474

**CONTACT NUMBER:** [REDACTED]

**CONTACT EMAIL:** [REDACTED]

**Keeping of Hens Application Process Summary**

1. Submit this Site Plan Review Application to Health Department with check for \$150.
2. Health Department reviews application and conducts site walk.
3. After plan review and site walk, a meeting date with the Board of Health is set. The applicant will notify all abutters at least 14 days but no more than 30 days prior to the hearing, of their intent to keep hens and the BOH hearing date, time and location. Abutters shall include both owners and tenants. The applicant shall provide verification of notification in the form of a signed letter or USPS receipt that a certified letter has been received.
4. A meeting with the Board of Health is held and a decision made to approve or deny application based upon all requirements set forth in town bylaw.
5. Once approved by the Board of Health, the applicant is required to submit an

Application for Annual Permit to Keep Hens to the Health Department with a check for \$100 and the applicant will be permitted to construct coop and pen.

6. A final inspection is conducted once coop and pen have been constructed and final approval to keep hens is granted.
7. An annual permit to keep hens is required through the Health Department expiring April 1st of every year. A renewal permit must be obtained. Permit holders that fail to renew their keeping of hens permit prior to April 1<sup>st</sup> are subject to a \$100 reinstatement fee.
8. An annual inspection will be conducted by the Health Department. Failure to meet requirements set forth in the town bylaws may result in a re-inspection fee of \$100 and a hearing with the Board of Health to determine whether permit should be revoked, suspended, or subject to further conditions.

#### **ANSWER THE FOLLOWING QUESTIONS**

---

Is the applicant the sole owner of the property where hens will be kept? **NO**

If no, please provide signed written statements from all property owners granting permission for the keeping of hens.

What is the size of the property lot in square feet? **5000 sq ft**

#### **I. HENHOUSE / PEN:**

##### **1. Location**

a. Will the henhouse/pen enclosure be in the rear yard of the property?

**YES**

b. Will the henhouse/pen enclosure be at least six (6) feet from all property lines?

**YES**

c. Will the henhouse/pen enclosure be at least 25 feet from existing residences on adjacent lots?

**YES**

d. Will the henhouse/pen enclosure be located at least 200 feet from the

high water mark of any known source of drinking water supply or any tributary thereof, and at least 50 feet from any well?

**YES**

e. Will the henhouse/pen enclosure conform to all relevant property setbacks for accessory structures as specified in sections 6.18 and 8.23 of the zoning bylaws? **R2 – ft from lot line 20(front) 6 (back & sides)**

**YES**

f. Will the henhouse/pen enclosure interfere with any utility or other feature of the property that needs suitable access?

**NO**

g. Will the henhouse/pen enclosure be located in a well-drained area that does not discharge to a public way or neighbor's property?

**YES**

h. Please provide a certified plot plan depicting all of the following: all structures on property, all structures on abutting properties, and proposed locations of the henhouse/pen enclosure, composting/manure storage and food storage.

## **2. Construction**

a. Will the henhouse enclosure provide a minimum interior floor surface of at least two (2) square feet per bird?

**YES**

b. Will the pen enclosure provide a minimum ground surface of at least five (5) square feet per bird?

**YES**

c. Will the henhouse/pen enclosure be securely constructed in a manner that excludes predators and pests, including those that fly, burrow and reach?

**YES**

d. Will the pen enclosure have a predator and pest proof material across the top?

YES

e. Will the henhouse provide protection from the elements as needed?

YES

f. Will the henhouse be constructed in such a manner and with such materials that allow for effective weekly cleaning?

YES

Please provide a separate detailed description of the henhouse/pen enclosure, including square footages and photographs if possible.

### 3. Maintenance

a. Will the feed be securely stored in a rodent and pest proof container?

YES

b. Will the feed leftover from feeding remain in an area accessible to rodents and pests past dusk?

NO

c. If weather is too cold, or composting is otherwise not possible, will there be a sealable container for waste to be stored until disposal?

YES

d. If composting is possible, how and where will waste be composted with carbonaceous material such as hay, bedding, or leaves? Please identify composting/ manure storage location on required certified plot plan.

We currently have 2 compost piles on the property. We have had them for many years now with no problems or complaints. They are at the far end of our garden area near the rear of the property.

e. What measures will be taken to prevent the buildup of pests or rodent

populations due to the presence of hens on the property?

I will have a very low threshold for the presence of vermin. I have no interest in attracting rodents or other animals to my property.  
The coop will be cleaned out weekly, waste composted and food stored inside in a sealed container.

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f. Please provide a separate detailed written maintenance plan describing the following:

cleaning practices and schedule for the henhouse/pen enclosure and feed and water containers, which anti- bacterial/viral cleaning solution will be used, which bedding material will be used in the henhouse and at which depth it will be provided, how frequently the bedding material will be composted, and any other appropriate nuisance (odor & noise) prevention measures that will be taken.

Please see Coop Maintenance and Hygiene Plan that is attached.

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## II. HENS:

### 1. Hen keeper

a. Will the hen keeper be taking, or has the hen keeper taken, a class in keeping hens? **NO** If yes, please provide a copy of a certificate of completion from a hen-keeping course. **N/A**

b. Will there be a knowledgeable person in charge to care for hens during vacations or extended leaves? **YES**

### 2. Source

a. What type of hens and how many hens will you be keeping?

My plan is to get 2 Wydonette and 2 Easter Egger hens for a total of 4 birds.

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b. Will the hens be acquired from S. pullorum clean sources from National Poultry Improvement Plan (NPIP) participants?

**YES**

c. Where will the hens be acquired from and what documentation will be provided?

I intend to order chicks online from www.mypetchicken.com, an NPIP participant.

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### **3. Health & Disease Concerns**

a. Will the hens be vaccinated from any communicable diseases?

**YES**

If yes, from what?

**Marek's disease**

b. Will newly acquired hens be isolated from healthy resident birds?

**YES**

If yes, where and for how long?

**4-6 weeks**

c. Will the hens be separated from wild migratory fowl at all times?

**YES**

d. What will be done with a hen if it dies?

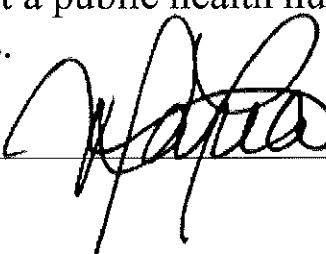
Funeral with full honors! Honestly it depends how it dies. If we're not sure how or why it died, a necropsy would be in order. If the animal succumbed to an obvious injury or attack then it would probably be disposed of in the regular garbage pick up.

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**To complete this application the following materials must be provided:**

- Copy of list of property abutters obtained from Town of Arlington Assessors Office (attached)

- If applicant is not sole property owner, signed written statements from all property owners granting permission for the keeping of hens
- Plot plan drawn to scale depicting all of the following: all structures on property, all structures on abutting properties, proposed locations of the henhouse/pen enclosure, composting/manure storage and food storage, and distance of henhouse and pen from property lines and existing adjacent residences. The BOH reserves the right to require the applicant to provide a plot plan certified by a professional engineer or land surveyor to resolve any questions or disputes relating to the conformance of the placement of the henhouse and pen with any and all relevant property setbacks and zoning bylaw requirements.
- Written maintenance plan and description of henhouse/pen enclosure
- Copy of certificate of completion from a hen-keeping course if applicable
- After a BOH hearing date has been set, submit a copy of signed letter or receipt from USPS that a certified letter has been received by each abutter informing them of your application to keep hens and notifying them of the BOH hearing date, time and location. Abutters include both property owners and tenants. I have read the town bylaws regarding the keeping of hens and understand the requirements as outlined. I understand failure to comply with the requirements of the town bylaws and failure to prevent a public health nuisance may result in revocation of my Permit to Keep Hens.

Signature:  Date: March 27, 2018

Office use only

Board of Health Meeting Date Assigned: 5/23/2018

## Coop Maintenance and Hygiene Plan

### **Daily:**

Chickens will be visited daily to collect eggs, monitor food and water supply, do a quick clean up of droppings from overnight roosting and observe anything necessitating immediate attention. Examine the condition and behavior of the flock. For example if wind and rain is forecast, make sure the coop is prepared for the weather.

### **Weekly:**

Clean coop, add fresh bedding, make sure the chickens have sufficient grit/oyster shell and have appropriate/clean medium for dust bathing.

Rake out the run.

Calium supplement

### **Monthly:**

Inspect coop. Take stock of supplies. Purchase feed, bedding and anything needed for coop repairs or cleaning.

### **Seasonally:**

Check coop for drafts, poor ventilation or security problems. Make any necessary repairs. Give the coop a thorough cleaning every spring and fall. Clean out all bedding, scrape and wash down floors and walls, make sure everything can air out and dry sufficiently before needing to be occupied again.

# M206 - Chicken Coop Plans Construction

## Durability & Comfortable

Principles of design: "Durability" "Insulation" "Ventilation" "Easy to Clean"

## Units: Inches - fractions

### 1/ It can comfortably hold 6 - 8 chickens

Overall size: 4' x 4' = 16 ft<sup>2</sup> for Cage

6' x 4' = 24 ft<sup>2</sup> for Chicken Run

4' x 1' 6" = 6 ft<sup>2</sup> for Nesting Boxes for 3 Hens

4' x 1' 6" = 6 ft<sup>2</sup> for **Shed 1**

4' x 1' 6" = 6 ft<sup>2</sup> for **Shed 2**

Maximum height: 9' 11 1/4"

Construction area: 51.9878 ft<sup>2</sup> (The area for building foundations)

### 2/ Materials List:

The Quantity of 2x4 lumber 8ft length: 51 lumbers

The Quantity of 1x4 lumber 8ft length: 49 lumbers

The Quantity of 1x2 lumber 8ft length: 23 lumbers

The Quantity of Oriented Strand Board (OSB) 4ftx8ft: 5 osb

The Quantity of Fir Plywood Siding (FPS) 4ftx8ft: 3fps

Total Area of Wire Mesh: 110 ft<sup>2</sup>

Total Area of Roofing Shingles: 85 ft<sup>2</sup>

[www.homegardenplan.com](http://www.homegardenplan.com)

Let keep track my work to get many free and useful plans:

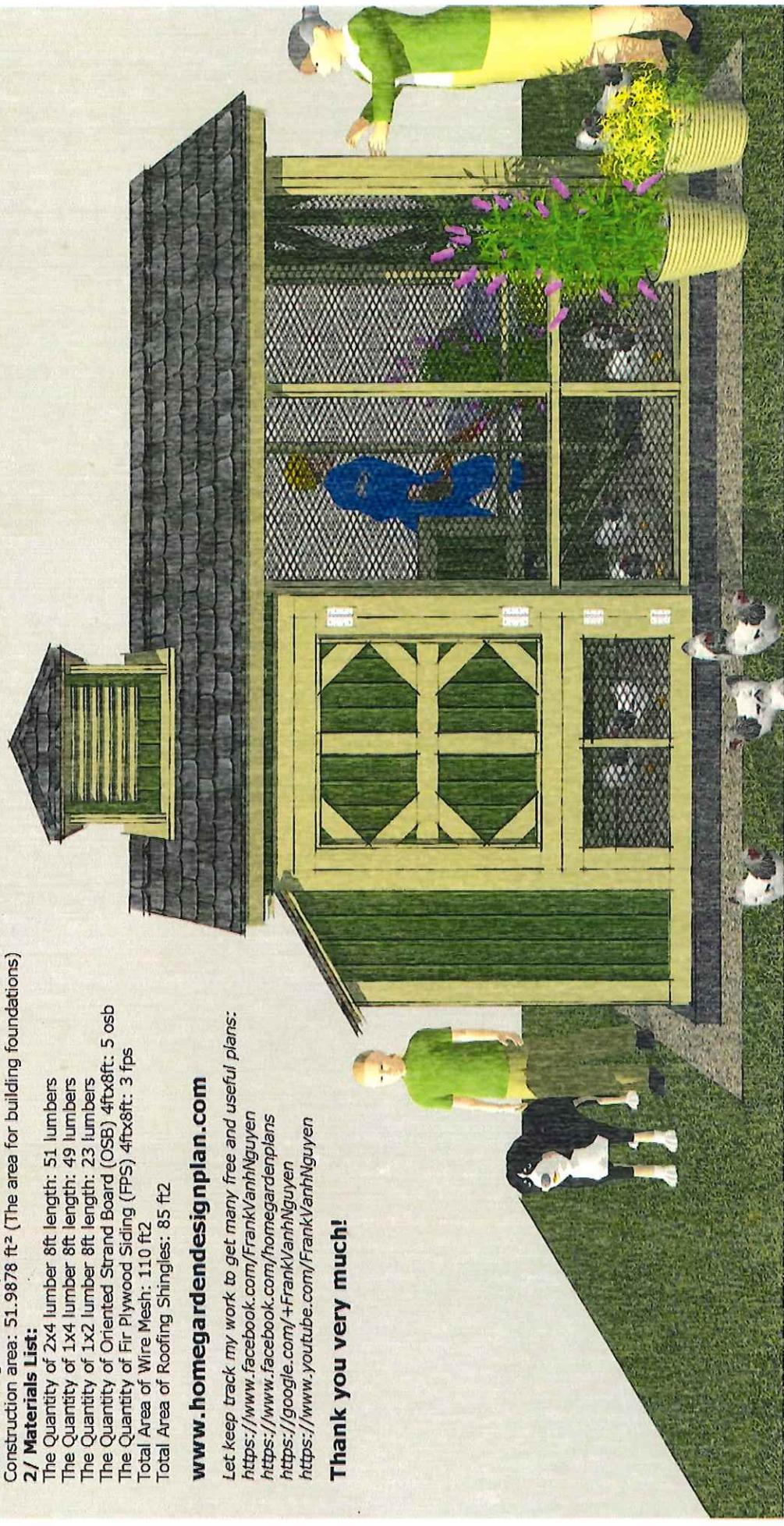
<https://www.facebook.com/FrankVanhNguyen>

<https://www.facebook.com/homegardenplans>

<https://google.com/+FrankVanhNguyen>

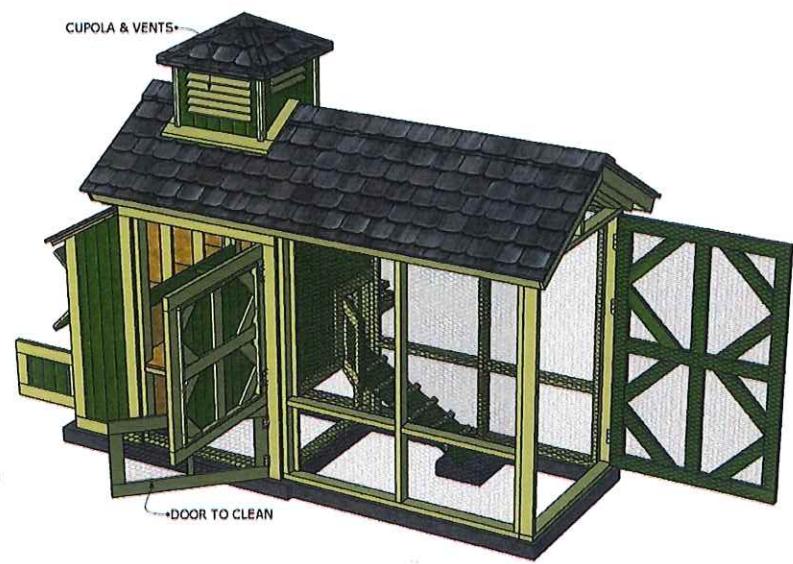
<https://www.youtube.com/FrankVanhNguyen>

**Thank you very much!**

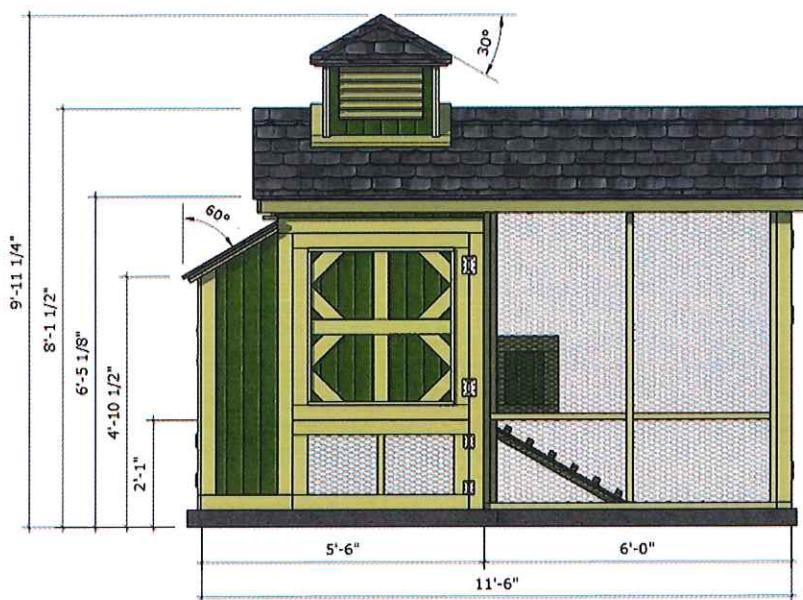




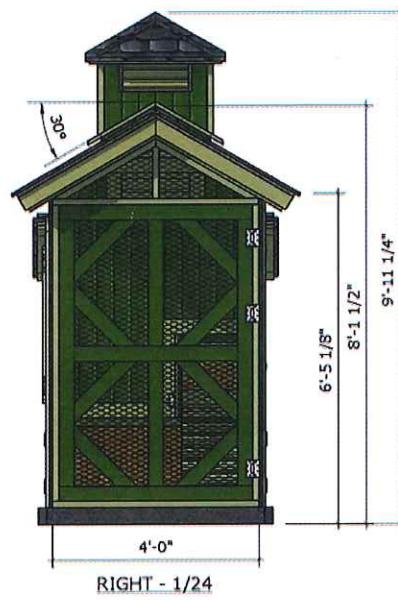
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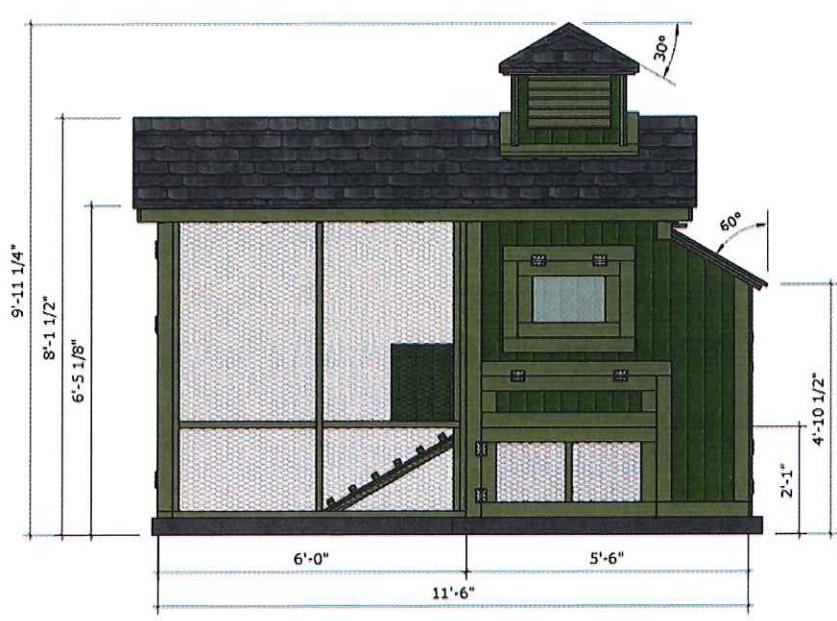
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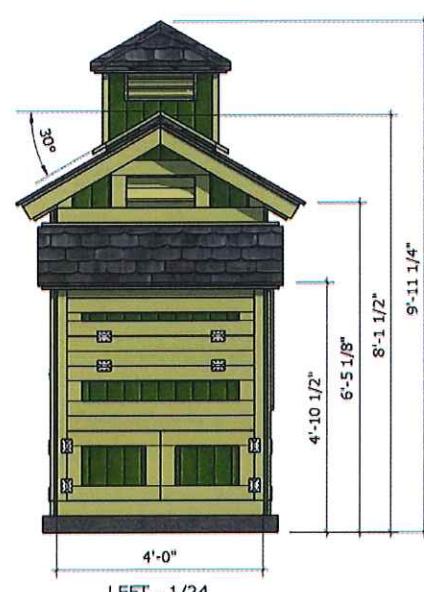
FRONT - 1/24



RIGHT - 1/24

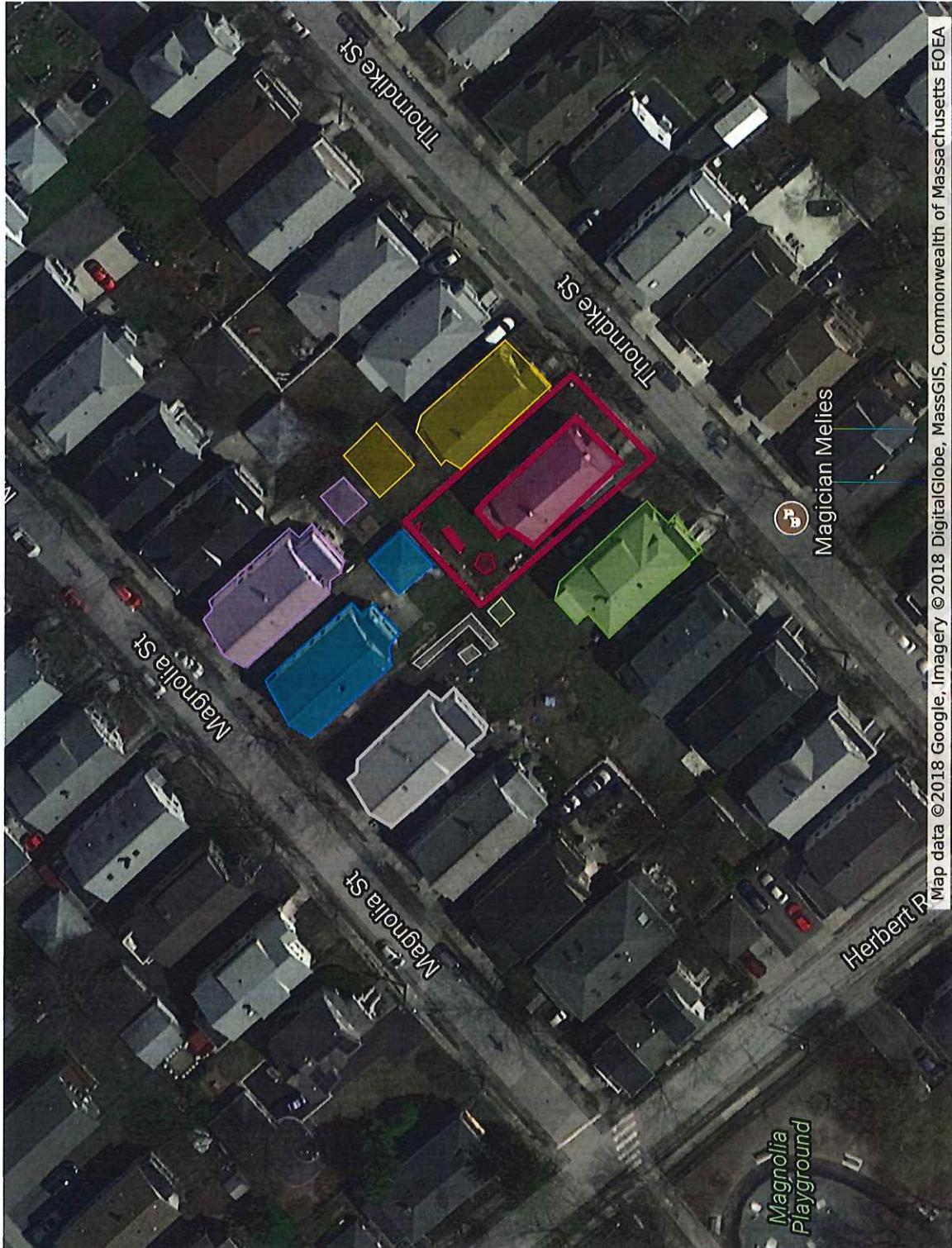


BACK - 1/24



LEFT - 1/24

# Property Layout



## Structure Outlines

- Proposed Coop
- 71-73 House
- 71-73 Thorndike Compost Bin
- 71-73 Thorndike Pear Tree
- 67-69 Thorndike Garage
- 67-69 Thorndike House
- 58 Magnolia Garage
- 58 Magnolia House
- 75-77 Thorndike Street House
- 75-77 Garden Boxes
- 52 Magnolia House
- 52 Magnolia Garage
- 62 Magnolia House
- 62 Magnolia Garden Boxes
- 62 Magnolia Picnic Table
- 71-73 Property Line

- 75-77 Thorndike Street House
- 75-77 Garden Boxes
- 52 Magnolia House
- 52 Magnolia Garage
- 62 Magnolia House
- 62 Magnolia Garden Boxes
- 62 Magnolia Picnic Table
- 71-73 Property Line

Where nearby structures lay in relation to structures on our property, including all abutters.

Map data ©2018 Google, Imagery ©2018 DigitalGlobe, MassGIS, Commonwealth of Massachusetts EOEA

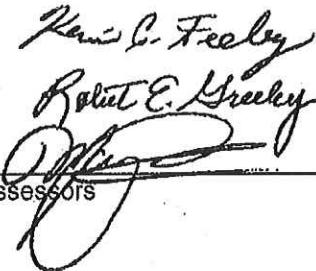
**Abutters List**

Date: March 28, 2018

Subject Property Address: 71-73 THORNDIKE ST  
Arlington, MA  
Subject Property ID: 2-2-7

Search Distance: Direct Abutters  
For Keeping Hens

I hereby certify that this list has been prepared in  
accordance with Chapter 40A Section 11 of M.G.L.



Board of Assessors

Prop ID: 2.A-2-5.1

Prop Location: 60-62 MAGNOLIA ST UNIT 1 Arlington,  
MA  
Owner: SAFF REBECCA R & DAVID E  
Co-Owner:  
Mailing Address:  
60 MAGNOLIA ST  
ARLINGTON, MA 02474

Prop ID: 2.A-2-5.2

Prop Location: 60-62 MAGNOLIA ST UNIT 2 Arlington,  
MA  
Owner: RADOSEVICH ALEXANDER T  
Co-Owner: SAADAT ALHAM  
Mailing Address:  
62 MAGNOLIA ST  
ARLINGTON, MA 02474

Prop ID: 1-1-20

Prop Location: 67-69 THORNDIKE ST Arlington, MA  
Owner: PERHANIDIS NICOLAOS/ TRUSTEE  
Co-Owner: 67-69 THORNDIKE ST REAL ESTATE  
Mailing Address:  
163 HILLSIDE AVE  
ARLINGTON, MA 02476

Prop ID: 1-1-21

Prop Location: 52-54 MAGNOLIA ST Arlington, MA  
Owner: RUSSELL ROBERT & MARY/TRS  
Co-Owner: RUSSELL REALTY TRUST  
Mailing Address:  
52 MAGNOLIA ST  
ARLINGTON, MA 02474

Prop ID: 2-2-6

Prop Location: 56-58 MAGNOLIA ST Arlington, MA  
Owner: ZAFIROPOULOS ANNA  
Co-Owner:  
Mailing Address:  
56 MAGNOLIA ST  
ARLINGTON, MA 02474

Prop ID: 2-2-8

Prop Location: 75-77 THORNDIKE ST Arlington, MA  
Owner: LOH DAVID  
Co-Owner: HORVATH DORA  
Mailing Address:  
77 THORNDIKE ST  
ARLINGTON, MA 02474



Places by Category

- Police Station
- Fire Station
- School
- Public Works
- Engineering - Traffic Signals

Crosswalks - Location (black)

Recreation - Facilities

Recreation - Fields Courts Parks

Recreation - Fields Courts Parks

Open Space - Conservation Areas

Open Space - Minuteman Bikeway

Open Space - A-Z

Open Space - Labels

Open Space - Town, State, or Private Other Town Owned

Parks

Buildings:

- MA Highways
- Interstate
- US Highway
- Numbered Routes
- Abutting Towns

Town Boundary

Roads - One Way (for Base Map)

Roads - For Small Scale (for Major Road)

Roads - Local Road

Roads - For Large Scale (for Local Road)

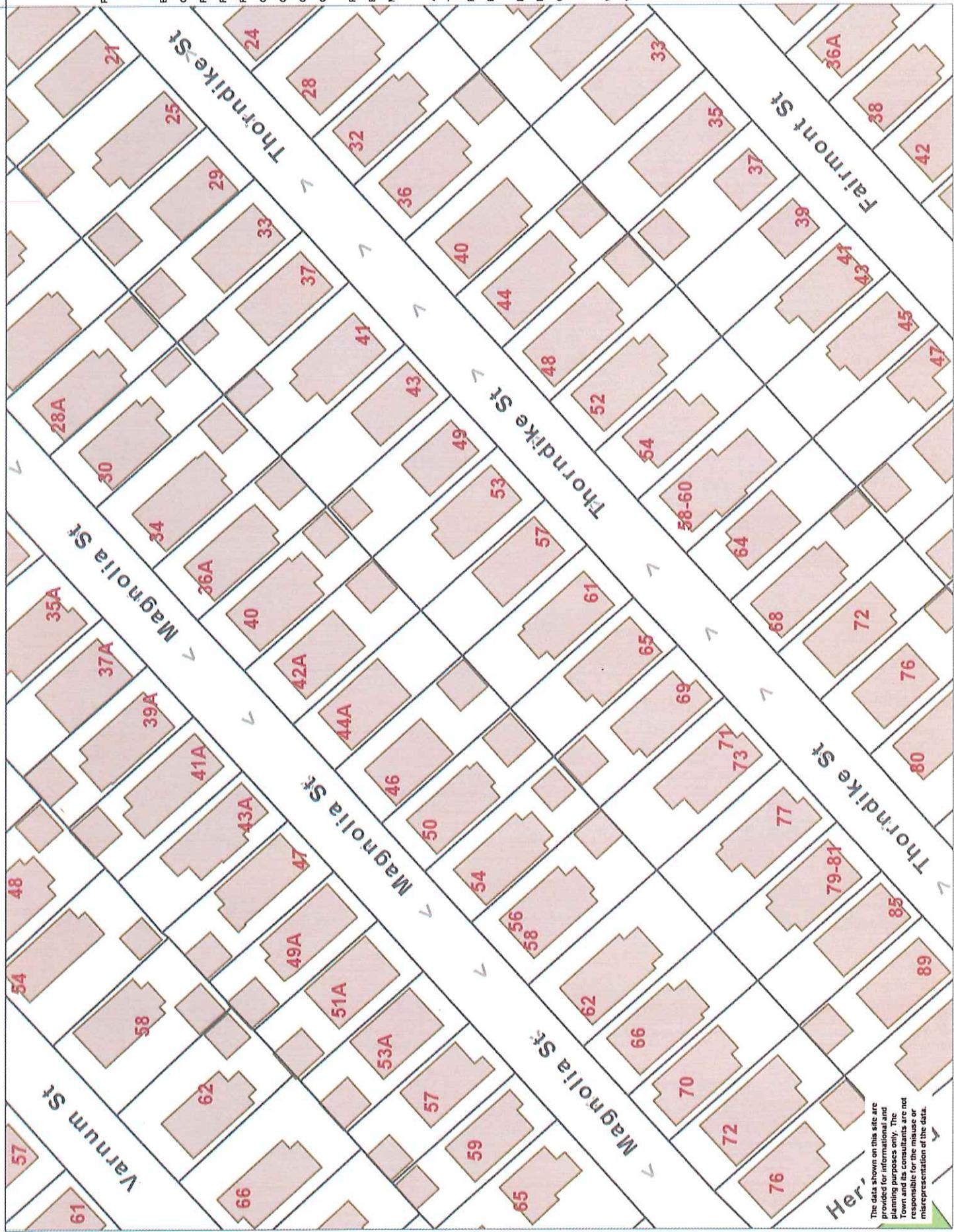
Parcel Map - Misc (traffic island)

Cemetery Roads

- Road2
- Road3
- Road4

Water Line

Water Body



Printed on 02/26/2018 at 01:53 PM

A vertical scale bar with markings at 0, 100, and 200 ft.

65 Milton Street  
Arlington, MA 02474

February 28, 2018

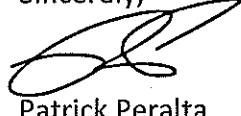
Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health  
27 Maple Street  
Arlington, MA 02476

To Whom It May Concern:

Per the requirements of "ARTICLE 8: KEEPING OF HENS/POULTRY", I (Patrick Peralta) as co-owner of 71-73 Thorndike Street, grant my permission to Maria Peralta to keep hens on the property.

Please feel free to contact me at [REDACTED] or [REDACTED] if you have any questions.

Sincerely,



Patrick Peralta

**From:** Maria Peralta <dovenotchicken@yahoo.com>  
**To:** Kylee Sullivan <KSullivan@town.arlington.ma.us>  
**Date:** 04/27/2018 10:33 PM  
**Subject:** Re: Application for keeping hens

Hi Kylee,

I apologize for the delay in reply, life got unexpectedly busy for a bit. You'll find my responses to your questions below. I've also attached the list of abutters that I was sent from Mary over at the Assessor's Office.

**1. What anti-bacterial or viral cleaning solution(s) will you be using to clean the henhouse/coop?**

My go-to solutions for cleaning tend to be classic standbys. Usually ½ cup bleach per gallon of water is my typical disinfectant, and dilute ammonia as a general cleaner. (Obviously never the two together)

**2. What bedding material will be in the henhouse and what will be the depth of the bedding?**

We'll be using wood shavings as bedding in the coop starting with a 3-4" layer, with subsequent additions to build to 8"-12" per the deep litter method. It's my hope that we can use the deep litter method, however if that doesn't pan out we'll be raking out the shavings and tossing them in the composter on a weekly basis. We intend to install a plastic lining over the floor and bottom third of the walls. This should simplify cleaning and raking and form a suitable deep-litter container.

**3. Where will you isolate newly acquired hens from healthy resident birds?**

New birds will be cage isolated in our basement.

**4. Can you please provide us with a physical list of your property abutters?**

Hmm... I thought my application contained the list of abutters but perhaps I forgot it. You'll find it attached to this email.

**5. Can you please describe your composting habits:**

**What materials do you compost and what type of compost bin do you use?**

Of late we compost mostly garden and yard waste. We have found traveling up and down the stairs to compost food scraps both inconvenient and not really worth the effort. Our compost bins were acquired from the town, they have bottoms, and narrow ventilation that keep out rodents.

**How frequently will you compost the henhouse bedding?**

Hopefully, not too often, just 2 times a year is the hope. If we can get the litter composting in the hen house via the deep litter method, we should be able to continue adding litter and it will compost safely and odor-free inside the coop. If, for some reason, we cannot establish a good clean deep-litter-pile inside the coop, then the coop would be raked out every 1-2 weeks.

**6. For this site walk, please have the outline of your henhouse/pen marked so that we can measure the distance between the proposed location and the lot line.**

Can do!

On Friday, April 20, 2018, 12:04:52 PM EDT, Kylee Sullivan <KSullivan@town.arlington.ma.us> wrote:

Dear Maria,

After reviewing you Keeping of Hens Plan Review Application, I have a few questions.

1. What anti-bacterial or viral cleaning solution(s) will you be using to clean the henhouse/coop?
2. What bedding material will be in the henhouse and what will be the depth of the bedding?
3. Where will you isolate newly acquired hens from healthy resident birds?
4. Can you please provide us with a physical list of your property abutters? I see in your application that you reached out to the Assessor's Office, they should have provided you with an official list of your abutters. If not, please reach back out to obtain such a list.
5. Can you please describe your composting habits- what materials do you compost and what type of compost bin do you use? How frequently will you compost the henhouse bedding? (I ask because often times we find that composting can attract rodents and we are currently experiencing increased rodent activity in Town).

Once I have information for the questions above, the next step will be to schedule a site walk of the proposed henhouse/pen location on your property. For this site walk, please have the outline of your henhouse/pen marked so that we can measure the distance between the proposed location and the lot line.

Please do not hesitate to reach out with any questions or concerns you may have regarding this matter.

Have a nice weekend.

Best,  
Kylee

---

Kylee Sullivan, MPH  
Health Compliance Officer  
Town of Arlington  
27 Maple Street  
Arlington, MA 02476  
(781) 316-3170

-----Original Message-----

From: Maria Peralta <dovenotchicken@yahoo.com>  
To: "ksullivan@town.arlington.ma.us" <ksullivan@town.arlington.ma.us>  
Date: Fri, 13 Apr 2018 11:45:25 +0000 (UTC)  
Subject: Application for keeping hens

Hi Kylee,

I just wanted to check in on the application I dropped off and see if you needed anything more or if things look good as they are.

• 180 •

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(Arlington, VA 20247-0)

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05/03/2018



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health

27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

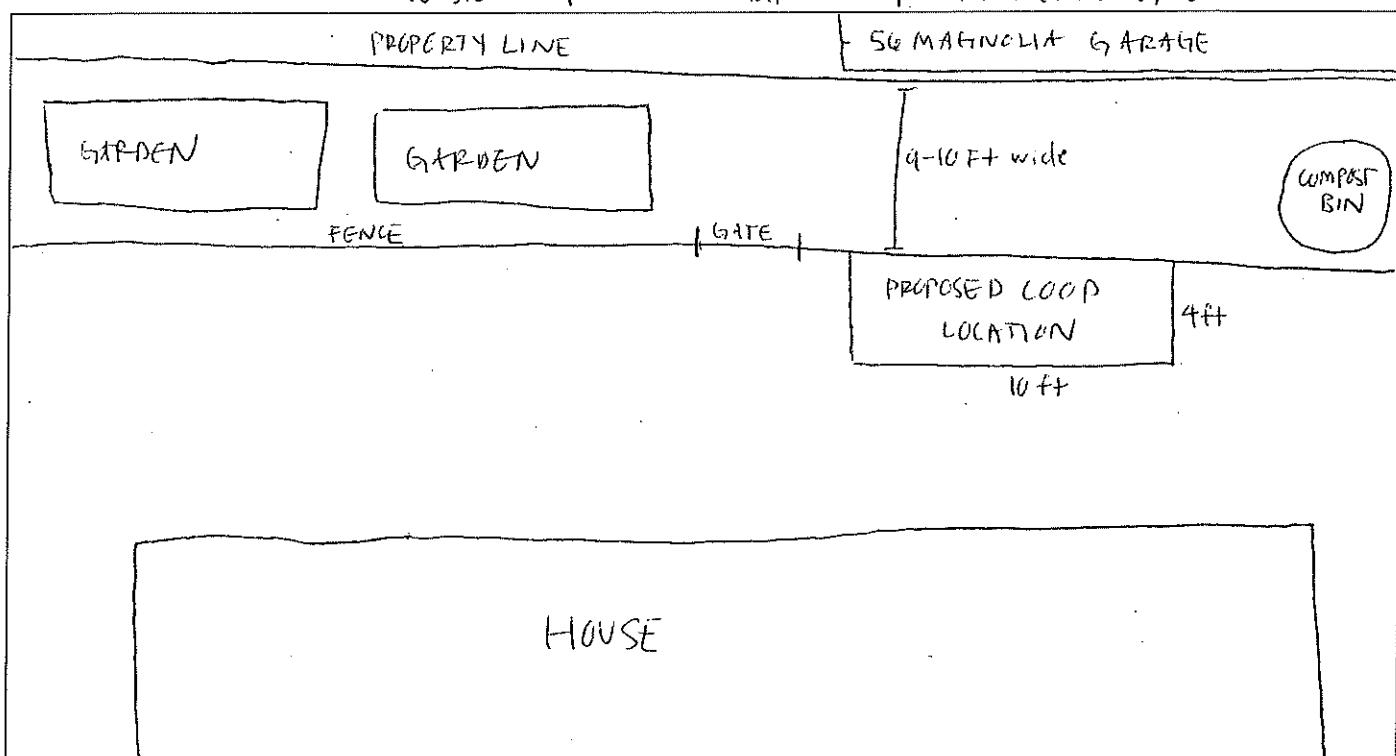
**2018 Henhouse/Pen Enclosure Inspection**

Name of Applicant: Maria Peralta Tel. #: [REDACTED]

Address: 73 Thorndike St Email: [REDACTED]

Number of hens to be kept: 4

1. Total square feet of henhouse: 16 (2 Sq. ft./ hen) Square feet of pen enclosure: 24 (5 Sq. ft./ hen)
2. Protection from elements: will have roof over coop & run
3. Protection from predators: will have roof and wire fencing
4. Food and waste storage: cabinets inside coop (sturdy containers) or on back porch for food waste - compost bin and/or deep litter method w/ 8-12" bedding



Notes: Compost bin and garden beds located in close proximity to proposed coop location

Inspector: K. Sullivan Date: 5/19/2018 Approved: BOH Hearing  
5/23/2018



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health

27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

**MEMO**

To: Board of Health Members  
From: Kylee Sullivan, Health Compliance Officer  
Date: May 15, 2018  
RE: Hearing – 18 Belknap Street #3 Housing Code Violations

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**Background:**

On March 21, 2018, at or about 9:30 A.M., Health Compliance Officers Kylee Sullivan and Padraig Martin conducted an inspection of 18 Belknap Street Unit #3 and associated common areas with occupant Mr. Theo Hartlett present. The inspection was conducted in accordance with the provisions of Article II of the State Sanitary Code (the “Code”), 105 C.M.R., §410.000: Minimum Standards of Fitness for Human Habitation and M.G.L c.111 §127A & §127B.

The inspection revealed 22 violations of the State Sanitary Code. Violations included, but were not limited to: smoke detector and carbon monoxide alarm defects; conditions impeding the ability to properly secure the unit; physical disrepair of the unit; and multiple safety issues related to the back porch/exterior egress.

These violations were listed in an order letter dated April 5, 2018 sent to Landlord Anthony Caliendo via certified mail (USPS online tracking delivery dated April 9, 2018). Mr. Caliendo sent a letter to the Health Department, received April 18, 2018, requesting a hearing with the Board of Health. Mr. Caliendo and Mr. Hartlett were notified of the hearing scheduled for May 23, 2018 via a letter dated April 26, 2018.

**Recommendation:**

The violations listed in the order letter dated April 5, 2018 should be brought into compliance with the Code. Any legal issues that are not directly related to achieving compliance with the Code should be ruled upon in a court of law as such issues are outside of the purview of the Board of Health.

**Please find the following items included:**

1. Order letter to landlord dated April 5, 2018
2. Letter from Mr. Caliendo requesting a hearing with the Board
3. Letter of notification sent to Mr. Caliendo and Mr. Harlett regarding hearing with the Board



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health

27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

April 5, 2018

**Via Certified Mail**

Anthony R. Caliendo  
1520 Massachusetts Avenue  
Arlington, MA 02476

**Tracking #: 7017 3040 0000 7735 2970**

*RE: 18 Belknap Street Unit #3 Arlington, MA 02474  
Notification of Violations  
Correction Order*

To Whom It May Concern:

On March 21, 2018 at or about 9:30 A.M., Health Compliance Officers Padraig Martin and Kylee Sullivan conducted an inspection of 18 Belknap Street Unit #3 and associated common areas. Occupant Theo Hartlett was present at the time of inspection and granted access onto the property.

The inspection was conducted in accordance with the provisions of Article II of the State Sanitary Code (the “Code”), 105 C.M.R., §410.000: Minimum Standards of Fitness for Human Habitation and M.G.L c.111 §127A & §127B. The Code protects the health, safety, and well-being of Massachusetts citizens and applies to every owner-occupied or rented dwelling, dwelling unit, mobile dwelling unit or rooming house in Massachusetts which is used for living, cooking, sleeping, and eating. The following conditions were observed during the course of the inspection:

**Violations**

**Throughout the Unit**

1. **Violation(s):** Various smoke detectors and carbon monoxide alarms were not functioning in the unit.

**Corrective Action(s):** Provide, install and maintain both smoke detectors and carbon monoxide alarms in accordance with the law. The alarms should be placed within 10 feet of the bedrooms. Contact the Arlington Fire Department – Fire Prevention Division for details.

**Relevant Code Citation(s):**

105 CMR 410.482 (A) states “(A) owners shall provide, install, and maintain in operable condition smoke detectors and carbon monoxide alarms in every dwelling that is required to be equipped with smoke detectors and carbon monoxide alarms in accordance with any provision of the Massachusetts General Laws and any applicable regulations of the State Board of Fire Prevention (527 CMR), State Board of Building Regulations and Standards (780 CMR), or the Board of Examiners of Plumbers and Gas Fitters (248 CMR).”

105 CMR 410.351 (A) states “The owner shall install or cause to be installed, in accordance with accepted plumbing, gasfitting and electrical wiring standards, and shall maintain free from leaks, obstructions or other defects, the following: (A) all facilities and equipment which the owner is or may be required to provide, including, but not limited to, all sinks, washbasins, bathtubs, showers, toilets, waterheating facilities, gas pipes, heating equipment, water pipes, owner installed stoves and ovens, catch basins, drains, vents and other similar supplied fixtures; the connections to water, sewer and gas lines; the subsurface sewage disposal system, if any; all electrical fixtures, outlets and wiring, smoke detectors and carbon monoxide alarms, and all heating and ventilating equipment and appurtenances thereto;”

105 CMR 410.750 states “this violation may endanger or impair the health or safety and well being of a person or persons occupying the premises.”

## **Living Room**

2. **Violation(s):** **The back egress doorknob was in a state of disrepair as the locking mechanism was not functioning properly.**

**Corrective Action(s):** Repair or replace the doorknob so that it can lock properly.

**Relevant Code Citation(s):** 105 CMR 410.750

105 CMR 410.480 (A), (B), (D), & (F) state “The owner shall provide, install and maintain locks so that: (A) Every dwelling unit shall be capable of being secured against unlawful entry. (B) Every door of a dwelling unit shall be capable of being secured from unlawful entry. (D) Every entry door of a dwelling unit or rooming unit shall be capable of being secured from unlawful entry. (F) Locking devices shall comply with the requirements of 780 CMR 1017.4.1 to avoid entrapment in the building.”

3. **Violation(s):** **The slanted ceiling in the main living area of the dwelling unit was in disrepair due to cracks and bubbled paint.**

**Corrective Action(s):** Repair the affected area in a workperson-like manner so that it is free of defect.

**Relevant Code Citation(s):**

105 CMR 410.500 states “Every owner shall maintain the foundation, floors, walls, doors, windows, ceilings, roof, staircases, porches, chimneys, and other structural elements of his dwelling so that the dwelling excludes wind, rain and snow, and is rodent-proof, watertight and free from chronic dampness, weathertight, in good repair and in every way fit for the use intended. Further, he shall maintain every structural element free from holes, cracks, loose plaster, or other defect where such holes, cracks, loose plaster or defect renders the area difficult to keep clean or constitutes an accident hazard or an insect or rodent harborage.”

4. **Violation(s):** **The two windows located in the living room of the unit were not capable of opening and closing freely.**

**Corrective Action(s):** Repair or replace all defected windows in a work person-like manner.

**Relevant Code Citation(s):**

105 CMR 410.501 (A)(2) states “(A) A window shall be considered weathertight only if: (2) the window opens and closes fully without excessive effort;”

5. **Violation(s): A metal transition strip on the flooring in main living area of the dwelling unit was detached from the floor and thus in disrepair.**

**Corrective Action(s):** Repair the affected area in a workperson-like manner so that it is free of defect.

**Relevant Code Citation(s):** [105 CMR 410.500](#)

### **Kitchen**

6. **Violation(s): The kitchen refrigerator was connected to power from an outlet located in a kitchen cabinet via an extension cord.**

**Corrective Action(s):** Whereas the refrigerator is not a portable electric appliance or fixture, provide an accessible outlet in close proximity to the appliance to connect to power.

**Relevant Code Citation(s):**

[105 CMR 410.100 \(A\) and\(B\)](#) states "(A) Every dwelling unit, and every rooming house where common cooking facilities are provided, shall contain suitable space to store, prepare, and serve foods in a sanitary manner. The owner shall provide within this space... (3) space and proper facilities for the installation of a refrigerator. (B) The facilities required shall have smooth and impervious surfaces and be free from defects that make them difficult to keep clean, or creates an accident hazard."

[105 CMR 410.256](#) states "No wiring shall lie under a rug or other floor covering, nor shall any extend through a doorway or other opening in a structural element. No temporary wiring shall be used or made available for use by an owner or occupant; provided, that extensions cords which connect portable electric appliances or fixtures to convenience outlets shall not be considered temporary wiring."

7. **Violation(s): An adhesive substance appears to have been applied to the laminate kitchen countertops making the surface unsmooth, permeable, discolored, and difficult to keep clean.**

**Corrective Action(s):** Repair or replace the countertops in a workperson-like manner so they are free from defect.

**Relevant Code Citation(s):** [105 CMR 410.100 \(A\) and \(B\)](#)

### **Bedroom**

8. **Violation(s): A window located in the bedroom of the unit was unable to be secured.**

**Corrective Action(s):** Repair or replace all defected window locks in a workperson-like manner so that they can be properly secured.

**Relevant Code Citation(s):** [105 CMR 410.480 \(E\)](#)

9. **Violation(s): Floor covering in the bedroom was peeling, cracking, and bubbling up, creating an accident hazard.**

**Corrective Action(s):** Repair the floor covering in a workperson-like manner so it is free from defect.

**Relevant Code Citation(s):** [105 CMR 410.500](#)

### **Dwelling Common Areas**

**10. Violation(s): The main entry door was not capable of being secured.**

**Corrective Action(s):** Whereas there are four dwelling units accessible from the main entry door, the door lock must be replaced with an electronically-operated striker mechanism and an automatic door closer.

**Relevant Code Citation(s):** [105 CMR 410.750](#)

[105 CMR 410.480 \(A\), \(B\), \(C\), \(D\), & \(F\)](#) state "The owner shall provide, install and maintain locks so that: (A) Every dwelling unit shall be capable of being secured against unlawful entry. (B) Every door of a dwelling unit shall be capable of being secured from unlawful entry. (C) The main entry door of a dwelling containing more than three dwelling units shall be so designed or equipped so as to close and lock automatically with a lock, including a lock with an electrically-operated striker mechanism, a self-closing door and associated equipment. Every door of the main common entryway and every exterior door into said dwelling, other than the door of such main common entryway which is equipped as provided in the preceding sentence shall be equipped with an operating lock. (M.G.L. c. 143, § 3R.). (D) Every entry door of a dwelling unit to rooming unit shall be capable of being secured from unlawful entry. (F) Locking devices shall comply with the requirements of 780 CMR 1017.4.1 to avoid entrapment in the building."

**11. Violation(s): The handrail in the interior stairwell from the second floor landing to third floor was not secured properly.**

**Corrective Action(s):** Repair or replace the handrail in a workperson-like manner so that it is secured properly.

**Relevant Code Citation(s):** [105 CMR 410.750](#)

[105 CMR 410.503 \(A\)](#) states "The owner of all dwellings shall provide: (A) a safe handrail for every stairway that is used or intended for use by the occupant as required by 780 CMR: Massachusetts State Building Code."

**12. Violation(s): Stair treads were not properly secured on the interior stairwell from the second floor landing to third floor. Specifically, from the second floor landing to the third floor stair treads # 1, 2, 3, 4, and 7 were not secured properly.**

**Corrective Action(s):** Repair the stair treads in a workperson-like manner so that they are secured properly.

**Relevant Code Citation(s):** [105 CMR 410.500](#)

**13. Violation(s): The paneling on the walls in the interior stairwell was not secured to the wall.**

**Corrective Action(s):** Repair or replace the wall paneling in a workperson-like manner so that it is secured properly.

**Relevant Code Citation(s):** [105 CMR 410.500](#)

**14. Violation(s): The exterior siding along the bottom of the building was missing and in disrepair.**

**Corrective Action(s):** Repair or replace the affected house siding in workperson-like manner.

**Relevant Code Citation(s):** [105 CMR 410.500](#)

**15. Violation(s): There was a hole/crack approximately one to two inches in width in the concrete stairs leading to the front porch, creating a potential accident hazard.**

**Corrective Action(s):** Repair the affected area in a workperson-like manner so that it is free of defect.

**Relevant Code Citation(s):** 105 CMR 410.500

16. **Violation(s):** Most of the wooden elements and structural members of the wooden back exterior egress and porch were showing signs of decay, deterioration, weathering, cracking and/or failing, which have visibly and presumably weakened them and reduced their load-carrying capacity. The stringers throughout the structure were deteriorated, cracked, broken and failing. Fasteners, including nails and screws, were protruding throughout the structure due to apparent incomplete installation, failure, or the deteriorated, cracking and failing nature of the structural wood members, including the decking, posts, beams and stringers. The structure was not in safe and operable condition.

**Corrective Action(s):** Repair or replace the structure so that it is in safe and operable condition. Treat all wood structural members to prevent rotting and decay.

**Relevant Code Citation(s):** 105 CMR 410.750

105 CMR 410.452 states “The owner shall maintain all means of egress at all times in a safe, operable condition and shall keep all exterior stairways, fire escapes, egress balconies and bridges free of snow and ice, provided, however, in those instances where a dwelling has an independent means of egress, not shared with other occupants, and a written letting agreement so states, the occupant is responsible for maintaining free of snow and ice, the means of egress under his or her exclusive use and control. All corrodible structural parts thereof shall be kept painted or otherwise protected against rust and corrosion. All wood structural members shall be treated to prevent rotting and decay. Where these structural elements tie directly into the building structural system, all joints shall be sealed to prevent water from damaging or corroding the structural elements.”

17. **Violation(s):** The guardrails on the back porch were not secured properly.

**Corrective Action(s):** Repair the guardrails in a workperson-like manner so that it is secured properly.

**Relevant Code Citation(s):** 105 CMR 410.503 (A) and 105 CMR 410.750

18. **Violation(s):** Various stair treads on the back exterior egress were not secured properly. Specifically, the following stair treads were not secured properly: from the ground to the first landing treads 1-8; from the first landing to the second landing treads 1, 2, 7, 9, 10, and 12; from the second landing to the third landing treads 1, 2, 3, 4, 9, and 12.

**Corrective Action(s):** Repair the affected stair treads in workperson-like manner so that they are secured properly.

**Relevant Code Citation(s):** 105 CMR 410.500

19. **Violation(s):** The handrail between the second and third landing on the back egress adjacent to the side of the house was not secured properly. The horizontal members of the railing systems are noncompliant with the ladder effect thus causing a potential accident hazard.

**Corrective Action(s):** Repair the handrail in a workperson-like manner so that it is secured properly. Provide and install balusters, with spaces no greater than 4½ inches, to prevent the ladder effect.

**Relevant Code Citation(s):** 105 CMR 410.503 (A) and (D) and 105 CMR 410.750

105 CMR 410.503 (D) states “The owner of all dwellings shall provide: (D) Between all required guardrails and open handrails, balusters placed at intervals of no more than six inches, or any other ornamental pattern between the guardrail or handrail and floor or stair such that a sphere six inches in diameter can not pass through the opening. Any balusters or ornamental work constructed or replaced after August 28, 1997 shall have no space greater than 4½ inches and in all use groups other than R-4, shall not be constructed as to provide a ladder effect (780 CMR 1021 and 3603.14).”

20. **Violation(s):** The handrails along the exterior egress were measured between 30 and 32 inches in height from the front of the stair treads. Various horizontal members of the railing systems are noncompliant with the ladder effect thus causing a potential accident hazard. The lattice applied to the railing systems is deformed and not properly secured to the railings. Many of the fasteners used to attach the lattice are rusted, leaving the lattice detached from the structure in multiple areas. The lattice was not installed in such a way that it covered all of the necessary areas.

**Corrective Action(s):** Whereas these handrails were replaced after August 28, 1997, as ordered by this office in August of 2013, the handrails must be repaired or replaced in a workperson-like manner to be no less than 34 inches in height.

**Relevant Code Citation(s):** 105 CMR 410.750 and 105 CMR 410.452

105 CMR 410.503(B) states “The owner of all dwellings shall provide: (B) A wall or guardrail on the open side of all stairways no less than 30 inches in height. Any such guardrail replaced or constructed after August 28, 1997 (effective date of Massachusetts State Building Code, Sixth Edition) shall be not less than 34 inches in height (780 CMR 1022.2.2 and 3603.14.2.1).”

21. **Violation(s):** The guardrails along the back porch were measured between 33 and 39 inches in height from the decking.

**Corrective Action(s):** Whereas these guardrails were replaced after August 28, 1997, as ordered by this office in August of 2013, the guardrails must be repaired or replaced in a workperson-like manner to be no less than 42 inches in height.

**Relevant Code Citation(s):** 105 CMR 410.750

105 CMR 410.503(C) states “The owner of all dwellings shall provide: (C) A wall or guardrail at least 36 inches in height, enclosing every porch, balcony, mezzanine, landing, roof or similar place, which is 30 inches or more above the ground and that is used or intended for use by the occupants. Any such wall or guardrail for other than Use Group R-4 and along opens sided floor areas, mezzanines and landings in occupancies in Use Group R-3, replaced or constructed after August 28, 1997, shall not be less than 42 inches in height (780 CMR 102 and 3603.14).”

22. **Violation(s):** There was an active water leak in the basement.

**Corrective Action(s):** Repair the water leak in a workperson-like manner.

**Relevant Code Citation(s):** 105 CMR 410.500

**You are hereby ordered to comply with the following:**

1. Correct violations #1, 2, 10, and 16 within twenty-four (24) hours of receipt of this letter. Contact this Office via telephone or electronic mail upon completion.
2. Correct violations # 11, 17, 19, 20, and 21 within five (5) days of receipt of this letter. Contact this Office via telephone or electronic mail upon completion.
3. Correct violations #3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 18, and 22 within thirty (30) days of receipt of this letter. Contact this Office via telephone or electronic mail upon completion.

Failure to comply with this order to correct will result in legal action taken against you pursuant to 105 CMR 410.910.

Be informed that you have the right to a hearing. This Office must receive written request for said hearing within seven (7) days upon receipt of this order. You have the right to be represented at this hearing, and any affected party has a right to appear at the hearing. In addition, you have the right to inspect and obtain copies of all relevant reports, orders, notices and other documentary information in possession of this Office. Please direct any questions to the undersigned.

Signed and certified under the pains and penalties of perjury:

Sincerely,

Kylee Sullivan  
Health Compliance Officer  
[ksullivan@town.arlington.ma.us](mailto:ksullivan@town.arlington.ma.us)  
(781) 316-3264

cc: Natasha Waden, Director of Public Health  
Theo Hartlett, Occupant

**Picture Attachments**

Violation #2		
Violation #3		
Violation #4		

Violation #5



Violation #6



Violation #7



Violation #9



Violation #10



Violation #11



Violation #12	
Violation #13	
Violation #14	

Violation #15



Violation #16



Violation #16  
(Continued)



Violation #17



Violation #18



Violation #18  
(Continued)



Violation #18  
(Continued)



Violation #19



Violation #19  
(Continued)



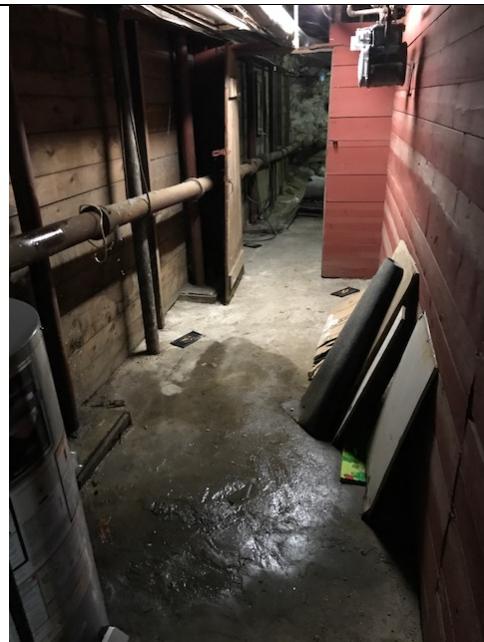
Violation #20



Violation #21



Violation #22



ANTHONY R.CALIENDO P C  
ATTORNEY  
1520 MASSACHUSETTS AVENUE  
ARLINGTON MASS 02476

TEL # 781-643-0040  
FAX # 781 316 2646  
E MAIL [trc@rcn.com](mailto:trc@rcn.com)

APRIL 13, 2018

Board Of Health  
Town Of Arlington  
27 Maple St  
Arlington Mass 02474

Re 18 Belknap St S-3

Re Notice Of Violations -18 Belknap St S-3

Dear Sir/ Madam

Please be advised that I am hereby requesting a hearing relative to a notice of violations I received on April 9, 2018

Respectfully

Anthony R Caliendo  
ARC/mj

*Health & Human Services  
APR 18 2018  
Arlington, MA*



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health

27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

April 26, 2018

Via Regular Mail  
Anthony R. Caliendo  
1520 Massachusetts Avenue  
Arlington, MA 02476

*Re: Request for a Hearing  
18 Belknap Street Unit #3  
Arlington, MA 02474*

Dear Mr. Caliendo:

This Office is in receipt of a letter from you requesting a hearing to discuss Housing Code Violations (*105 CMR 410.000: Minimum Standards of Fitness for Human Habitation*) documented at the above-mentioned property. The violations were listed in a letter dated April 5, 2018.

A hearing has been scheduled with the Board of Health on May 23, 2018 at 5:30 PM in the ground floor conference room at the Board of Health Office.

Questions regarding this matter can be directed to this Office, 781-316-3170.

Sincerely,

Kylee Sullivan  
Health Compliance Officer

cc: Natasha Waden, Director of Public Health  
Board of Health Members  
Theo Hartlett, Occupant



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health  
27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

**MEMO**

To: Board of Health Members  
From: Kylee Sullivan, Health Compliance Officer  
Date: May 15, 2018  
RE: Draft Dumpster Regulations – Charlotte Milan, DPW Recycling Coordinator Edits

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Enclosed please find an updated draft for Arlington's *Wastehauler and Dumpster Regulations and for the Removal and Transportation of Solid Waste or Recyclables*. This updated draft includes the suggestions Board Members provided during the April 11<sup>th</sup> Board Meeting as well as suggestions provided by Charlotte Milan, DPW Recycling Coordinator. Charlotte provided two suggestions that are highlighted in the enclosed copy of the draft regulations. The suggestions were additions to the definition of "dumpster" and "wastehauler."



**Town of Arlington**  
**Department of Health and Human Services**  
**Office of the Board of Health**

27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

**Waste hauler and Dumpster Regulations and for the Removal and Transportation of Solid Waste or Recyclables**

**Section 1: Statement of Purpose**

Whereas the Arlington Board of Health has seen an 80% increase in rodent complaints throughout the Town since 2015;

Whereas there are 197 Food Establishments permitted in Town during 2018;

Whereas in 2014, 258.5 million tons of Municipal Solid Waste (MSW) was generated nationally<sup>1</sup>;

Whereas in 2014, 14.9% of America's MSW was food waste<sup>2</sup>;

Whereas on average in 2013 each American produced 4.4 pounds of waste per day<sup>3</sup>;

Whereas Massachusetts Waste Ban regulations, as specified in 310 CMR 19.017, are in place to reduce adverse environmental impacts that may result from the human-generated solid waste;

Now, therefore it is the intention of the Arlington Board of Health to regulate dumpsters and waste haulers that transport solid waste or recyclables to ensure that they are in compliance with the Massachusetts Waste Ban regulations and uniformly comply with permit requirements established by the Town of Arlington.

**Section 2: Scope of Authority**

These regulations are promulgated pursuant to the authority granted to the Arlington Board of Health by Massachusetts General Laws, Chapter 111, Section 31 that "Boards of Health may make reasonable health regulations".

**Section 3: Applicability**

These regulations shall apply to all commercial and residential dumpsters within the Town of Arlington, Massachusetts. Temporary dumpsters utilized in conjunction with building permits issued by Inspectional Services shall not fall under the jurisdiction of these regulations. All dumpsters utilized by a permitted food establishment in the Town of Arlington shall comply with both the regulations outlined herein and all applicable

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<sup>1</sup> United States Environmental Protection Agency, (EPA) (2016), *Advancing Sustainable Materials Management: 2014 Tables and Figures*. Retrieved from: [https://www.epa.gov/sites/production/files/2016-11/documents/2014\\_smm\\_tablefigures\\_508.pdf](https://www.epa.gov/sites/production/files/2016-11/documents/2014_smm_tablefigures_508.pdf)

<sup>2</sup> United States Environmental Protection Agency, (EPA) (2016), *Advancing Sustainable Materials Management: 2014 Tables and Figures*. Retrieved from: [https://www.epa.gov/sites/production/files/2016-11/documents/2014\\_smm\\_tablefigures\\_508.pdf](https://www.epa.gov/sites/production/files/2016-11/documents/2014_smm_tablefigures_508.pdf)

<sup>3</sup> United States Environmental Protection Agency, (EPA) (2016), *Municipal Solid Waste*. Retrieved from: <https://archive.epa.gov/epawaste/nonhaz/municipal/web/html/>

requirements as outlined by the current Food and Drug Administration (FDA) Food Code edition enforced in the Town of Arlington.

#### **Section 4: Definitions**

- Board: The Board of Health or its agent or designee.
- Composting: A process of accelerated biodegradation and stabilization of organic material under controlled conditions yielding a product which can be safely used, as those terms are or may be defined by *310 CMR 19.00: Solid Waste Management*.
- Dumpster: Any container (other than a conventional trash can with lid) used for the outside storage of solid waste, recyclables, garbage, rubbish, organic matter, or refuse of any sort. This includes 96 gallon rolling toters supplied in lieu of a dumpster, as well as rolling toters used to collect and haul food waste and composting materials. This excludes temporary construction dumpsters permitted by Inspectional Services.
- Garbage: The animal, vegetable or other organic waste resulting from the handling, preparing, cooking, consumption or cultivation of food, and containers and cans which have contained food unless such containers have been cleaned and prepared for recycling.
- Owner: Any person, including a lessee or mortgagee in possession, who alone or severally with others, has lawful title to or lawful possession, care or control of any property on which a dumpster is located or proposed to be located. Owner also includes any authorized agent of such person.
- Private Wastehauler: Any person, who, for compensation, supplies, maintains or services one or more dumpsters, or removes, transports or disposes of the contents thereof who is not apart of the Town's wastehauler contract.
- Recycleables: A material that is banned from disposal in the Commonwealth of Massachusetts pursuant to *310 CMR 19.017: Waste Bans*. Mixed paper, cardboard, glass, metal, plastic containers are priority materials of these regulations.
- Rubbish: Combustible and noncombustible waste materials, except garbage, and includes but is not limited to such material as paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, grass clippings, tin cans, metals, mineral matter, glass, crockery, dust, and the residue from the burning of wood, coal, coke and other combustible materials.
- Solid Waste: Useless, unwanted or discarded non-recyclable solid or liquid wastes, excluding items restricted from disposal in Massachusetts, as defined by Table *310 CMR 19.017 (3)* of the Massachusetts Solid Waste regulations (*310 CMR 19.017*).
- Waste Ban Materials: All materials designated as banned from disposal in the Commonwealth of Massachusetts pursuant to *310 CMR 19.017: Waste Bans*, including: asphalt pavement, brick and concrete, cathode ray tubes, clean gypsum wallboard, ferrous and non-ferrous metals, glass and metal containers, lead acid batteries, leaves and yard waste, recyclable paper, cardboard and paperboard, single resin narrow-necked plastics, treated and

untreated wood and wood waste (banned from landfills only), white goods (large appliances), and whole tires (banned from landfills only).

Wastehauler: Any person, who, for compensation, supplies, maintains or services one or more dumpsters, or removes, transports or disposes of the contents thereof in accordance with the Town's wastehauler contract. This excludes landscaping companies that haul yard waste.

#### **Section 5: Dumpster Permit Application**

5.1 No dumpster shall be used or kept in the Town of Arlington after January, 2019 unless an application is submitted to the Board of Health and a permit is issued by the Board allowing the use of such dumpster. All permits shall expire at the end of the calendar year in which they are issued, and may be renewed annually with the application provided by the Board. There shall be a fee of \$100.00 payable for said permit.

#### **Section 6: Wastehauler Permit Application**

6.1 No contractor, firm, or person shall supply a dumpster service in the Town of Arlington for the purpose of storage, removal, or transporting of solid waste or recyclables without first obtaining a wastehauler permit from the Board. All permits shall expire at the end of the calendar year in which they are issued, but may be renewed annually with the application provided by the Board. There shall be a fee of \$11 0.00 payable for said permit.

#### **Section 7: Dumpster Regulations**

7.1 Each dumpster must be located at a distance from the lot line so as to not interfere with the safety, convenience, or health of abutters or residents. Dumpster location must be approved by the Board.

7.2 Each dumpster must be situated so as not to obstruct the view of flowing traffic.

7.3 When deemed necessary by the Board, it may be required that a dumpster site be enclosed or screened by the property owner or authorized agent.

7.4 Each dumpster must be of sufficient size and capacity to eliminate overflowing, and the property owner or authorized agent of the premises utilizing the service must take appropriate action immediately to empty contents when full.

7.5 All dumpsters must have a tight-fitting lid or cover, which shall be kept closed at all times except when being filled, cleaned or emptied. Each dumpster shall be constructed in such a way as to be leak-proof. If drain plugs are provided, they must be tight-fitting so as to prevent the leakage of liquid. All dumpsters must be maintained in good condition, without defect, as to prevent pest activity.

7.6 Any dumpster used for the disposal of liquids or organic matter shall be emptied as necessary to prevent insect or pest attraction.

7.7 The Board may order dumpster capacity size changes and/or additional pickups if in their opinion they find it necessary.

## **Section 8: Dumpster Permittee Responsibilities**

- 8.1 The owner or agent of the dumpster shall have his/her business name and telephone number conspicuously displayed on the dumpster.
- 8.2 It shall be the responsibility of the owner and/or agent whose property is being serviced to maintain the dumpster area free of odors, scattered debris, overflowing debris, and all other nuisances. It shall also be the responsibility of the property owner and/or agent being serviced to maintain the dumpster area free from any condition that may be considered an attraction for rodents or other pests.
- 8.3 Dumpsters must be maintained in good condition. Rust holes, uncovered drain caps, and other physical evidence of neglect that allows rodents and other animals access to the dumpster contents are not permitted. Owners who have a history of poor maintenance shall be required to work with their contractor and swap out the dumpster for one that meets these regulations.
- 8.4 Dumpsters must be placed on pavement or concrete, not soil. The location must be approved by the Arlington Board of Health.
- 8.5 Food service establishments must also comply with *105 CMR 590.000*, the State Sanitary Code.

## **Section 9: Wastehauler Permittee Responsibilities**

- 9.1 The dumpster wastehauler shall have the dumpster deodorized, washed or sanitized as directed by order of the Board as necessary to preclude pest attraction and activity.
- 9.2 The dumpster wastehauler shall have his/her business name and telephone number conspicuously displayed on the dumpster.
- 9.3 All permitted wastehaulers must be in compliance with applicable federal, state, and local laws. Each wastehauler vehicle must meet all Department of Transportation safety requirements at all times.
- 9.4 All materials must be securely contained in the vehicle. Littering or leaking shall be considered a violation of these regulations.

## **Section 10: Mandatory Recycling**

- 10.1 These regulations are intended to support and align with the Town of Arlington's Mandatory Recycling Bylaw as outlined in Massachusetts Waste Ban regulations *310 CMR 19.017*. All recycling must be in compliance with the requirements outlined in the Town's contracted wastehauler services.

## **Section 11: Violations; Enforcement**

- 11.1 These regulations apply to all dumpsters and wastehaulers in the Town of Arlington whether for residential, commercial, or industrial use.
- 11.2 The Board is authorized to inspect a permitted dumpster or a permitted wastehauler's truck and load at any time. The Board also has the right to require weight slips or confirmation of disposal of solid waste or recyclables.

- 11.3 Wastehauler permits may be suspended or revoked by the Board for failure of the wastehauler to comply with the requirements of these regulations.
- 11.4 The Board may attach any conditions to the dumpster service permit that it deems would serve the interest of the safety, health, welfare, or quality of life of the citizens of the Town of Arlington.
- 11.5 The Board may, by written decision, vary the application of any provision of these regulations with respect to any particular case, when the enforcement thereof would do manifest injustice; provided that any such decision of the Board shall not conflict with the express purpose of these regulations. Any variance shall, while it is in effect, be available to the public during normal business hours in the Health Department Office.
- 11.6 Any person who violates the terms of these regulations shall be subject to a fine of \$50.00 for the first offense and \$100 for each subsequent offense under the non-criminal disposition authorized by M.G.L. Chapter 40 Section 21D and Town bylaw Title VIII, Article 3 Section 7. Each day shall constitute a separate offense.
- 11.7 If any provision of these regulations is declared invalid or unenforceable by any court of competent jurisdiction, the other provisions of the regulations shall not be affected thereby, but shall continue in full force and effect.

**11. Effective Date**

These regulations shall take effect on May 23, 2018.

1. \_\_\_\_\_ 2. \_\_\_\_\_

Marie Walsh Condon, MD

Kenneth Kohlberg, JD, MPH

3. \_\_\_\_\_

Kevin Fallon, DVM